

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERICA SCOTT

Plaintiff,

Case No. 08-13061

v.

Honorable John Corbett O'Meara

BAKER COLLEGE OF FLINT, F. JAMES
CUMMINS, MARGARET HALE-SMITH, PAUL
ZANG, CANDACE JOHNSON, and RACHAEL
HIGDON

Defendant.

ORDER OF PARTIAL DISMISSAL

Plaintiffs filed a six-count complaint in this court on July 14, 2008, alleging the following: violation of the Americans with Disabilities Act, 42 U.S.C. § 12181, in Count I; violation of the Americans with Disabilities Act, in 42 U.S.C. § 12203, in Count II; violation of Michigan's Persons with Disabilities Civil Rights Act, M.C.L. § 37.1101, in Count III; violation of Michigan's Persons with Disabilities Civil Rights Act, M.C.L. § 37.1602(a), in Count IV; violation of Title IX for education discrimination based on blindness or visual impairment, 20 U.S.C. § 1684; and violation of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

While the claims alleging violation of federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations in the complaint present claims based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c).

Accordingly, it is hereby **ORDERED** that Counts III, and IV are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: August 26, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 26, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager